

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAEMON LOVE and GARY
& BETH MARSHALL,

Plaintiffs,

CASE NO. 13-14946

vs.

HON. GEORGE CARAM STEEH

JACK LEW, et al.,

Defendants.

/

ORDER DISMISSING SHOW CAUSE AND
EXTENDING 120 DAY SERVICE REQUIREMENT [DOC. 7]

This matter comes before the court on plaintiffs' response to the court's order to show cause why the case should not be dismissed for failure to prosecute. Plaintiff Daemon Love filed the original complaint in this case on December 4, 2013. On January 10, 2014, an amended complaint was filed naming two new plaintiffs and a new defendant. Rule 4 of the Federal Rules of Civil Procedure requires a plaintiff to perfect service on a defendant within 120 days of filing a complaint naming that defendant. The filing of an amended complaint naming additional defendants does not extend the service period with respect to an already-named defendant. *Harris v. City of Cleveland*, 7 Fed.Appx. 452, 456 (6th Cir. 2001). In this case, the original defendants had to be served on or before April 3, 2014. The defendant added in the amended complaint, Taylor Bean & Whitaker Mortgage Corporation, must be served on or before May 12, 2014.

The district court can extend the time for service upon a showing of good cause for failure to timely serve by the plaintiff. In this case, plaintiffs' counsel does not articulate a specific reason for failing to serve the original defendants within the required time. However, the court finds that the failure to serve was excusable neglect, and will extend the time for service on the originally-named defendants until May 12, 2014, at which time all defendants must be served or the action will be dismissed as to any unserved defendant. Now, therefore,

IT IS HEREBY ORDERED THAT the service period is extended to May 12, 2014.

IT IS HEREBY FURTHER ORDERED THAT the Court's order to show cause is DISMISSED.

Dated: April 16, 2014

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 16, 2014, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk